

MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, JUNE 20, 2017
COUNTY BOARD ROOM - THIRD FLOOR COURTHOUSE

Members Present: Mark Klevgaard, Tom Jensen, Randy Schellack, Bill Davis, Tim Brendemuhl, Jenny Mongeau, Joel Paulsen, Andrea Koczur, Curt Stubstad.

Members Absent: Amos Baer, Dan Langseth

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Orpha Hoelstad, Stuart Shulstad, Nevis Shulstad, Sarah Liljestrand, Mike Liljestrand, LeRoy Turner, Kari Uzzle, Tim Langeberg, Neil Hanson, Angela Rosenfeldt, Ryan Rosenfeldt, Roy Samuelson, Beverly Samuelson, Roger Fischer, Anna Fischer, Roger Olson, Dalen Rasmussen, Diane Rasmussen, Scot Manthe, Verna Kragness, Rick Hall, Jeff Hatlewick, Brian Dahl.

APPROVAL OF AGENDA

On motion by Randy Klevgaard, seconded by Curt Stubstad, and unanimously carried, the Planning Commission approved the Agenda.

APPROVAL OF MINUTES

On motion by Jenny Mongeau, seconded by Joel Paulsen, and unanimously carried, the Planning Commission approved the April 18, 2017 Minutes as presented.

CITIZENS TO BE HEARD

There were no citizens to be heard on matters not on the Agenda.

MARK SAND AND GRAVEL CO. - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit (IUP) to allow the continuation of an aggregate mine and its associated uses including crushing and stockpiling of materials. The property affected is the NE Quarter and E Half of the NW Quarter, Section 21, T137N, R44W (Tansum Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

On motion by Randy Schellack, seconded by Tim Brendemuhl, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnusson, Planning Director, presented a slideshow of the pit area, the highways and surroundings. This site was permitted in June of 2014 under a three-year permit. That permit will expire on June 20, 2017, and the applicant is seeking an IUP to continue mining approximately 20 acres over the life of this gravel mine. Magnusson showed a slide of the current working operation. The access comes off Highway 32. In its past three years of operation the Planning Office has not received any complaints about the facility.

The nearest residence is approximately a quarter mile east of the pit and two more residences are within a half mile of the pit. The haul route for this mine would be east across the Hanson property to State Highway 32 then north or south depending on the job. Upon reclamation, this property will be utilized for agricultural purposes.

Magnussen recommends using the same conditions on a new Interim Use Permit for up to 20 acres of mining, with a termination date of June 20, 2020. Operations would run from April through November, Monday-Saturday, from 6 a.m. until 9 p.m. They will provide dust control, although it is not an issue because access is onto a paved highway.

Jeff Hatlewick, representing the applicant was present for questions. He noted that they will provide temporary signage on Highway 32 warning drivers of increased traffic and truck hauling during their time of operation. Hatlewick stated they are only asking for three years as they have exhausted the material in the pit.

The chair asked if anyone else wanted to speak for or against the proposal.

On motion by Bill Davis, seconded by Randy Schellack, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact for Interim Use Permits were discussed and the Planning Commission found the following item to be applicable with this proposal:

- 12. Traffic Hazards, Congestion in Flood Plain Areas: The use will not cause traffic hazards or congestion and in flood plain areas has access during flooding for ordinary and emergency vehicles.**

The item was discussed and the Planning Commission found that it can be addressed with conditions.

On motion by Jenny Mongeau, and seconded by Mark Klevgaard, and unanimously carried, the Planning Commission approved Mark Sand and Gravel Co.'s application for an Interim Use Permit to allow the continuation of an aggregate mine on property located in the NE Quarter and E Half of the NW Quarter, Section 21, T137N, R44W (Tansem Township), with the following conditions at minimum:

- 1. Permit shall terminate on June 20, 2020 (same date as lease expires).**
- 2. Operate within provisions of the Clay County Land Development Ordinance.**
- 3. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.**
- 4. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be in compliance with any and all local/state/federal regulating agencies prior to commencing mining operations.**
- 5. Operations must comply with all provisions of Wetlands Conservation Act.**
- 6. Propose a maximum of 20 acres be approved for mining operations (excavation, screening, crushing, stockpiling, hotmix etc.) If additional acres are proposed to be opened in the future a new or amended IUP would be required.**

7. **May operate April thru November, Monday thru Saturday, from 6 AM to 9 PM.**
8. **Require applicant to reclaim mined out areas as mining activities progress. Require areas to be seeded to native prairie grasses or landowner's specification upon reclamation.**
9. **Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.**
10. **Require operator to present a detailed mine plan to Planning Office indicating exact area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site.**

MARK SAND AND GRAVEL CO. - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit to allow the continuation of a portable asphalt batch plant in conjunction with a gravel mining operation. The property affected is the NE Quarter and E Half of the NW Quarter, Section 21, T137N, R44W (Tansem Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg.) zoning districts.

On motion by Jenny Mongeau, seconded by Tom Jensen, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnussen, Planning Director presented a slideshow of the pit area, the highways and surroundings. This site was permitted in June of 2014 under a three-year permit. That permit will expire on June 20, 2017 and the applicant is seeking an IUP to continue operating a portable asphalt batch plant associated with a mining operation on approximately 20 acres. Magnussen showed a slide of the current working operation. The access is off Highway 32. In its past three years of operation the Planning Office has not received any complaints about the facility. The nearest residence is approximately a quarter mile east of the pit and two more residences are within a half mile of the pit. The haul route for this mine would be east across the Hanson property to State Highway 32 then north or south depending on the job. Upon reclamation, this property will be utilized for agricultural purposes.

Magnussen recommends using the same conditions on a new Interim Use Permit for up to 20 acres of mining, with a termination date of June 20, 2020. Operations would run from April through November, Monday-Saturday from 6 a.m. until 9 p.m. They will provide dust control, although it is not an issue because access is onto a paved highway.

Jeff Hatlewick, representing the applicant, was present for questions. He noted that they will provide temporary signage on Highway 32 warning drivers of increased traffic and truck hauling during their time of operation. Hatlewick stated they are only asking for three years as they have exhausted the material in the pit.

The chair asked if anyone else wanted to speak for or against the proposal.

On motion by Bill Davis, seconded by Randy Schellack, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact for Interim Use Permits were discussed and the Planning Commission found the following item to be applicable with this proposal:

- 12. Traffic Hazards, Congestion in Flood Plain Areas: The use will not cause traffic hazards or congestion and in flood plain areas has access during flooding for ordinary and emergency vehicles.**

The item was discussed and the Planning Commission found that it can be addressed with conditions.

On motion by Curt Stubstad, and seconded by Joel Paulsen, and unanimously carried, the Planning Commission approved Mark Sand and Gravel Co.'s application for an Interim Use Permit to allow the continuation of a portable asphalt batch plant in conjunction with a gravel mining operation on property located in the NE Quarter and E Half of the NW Quarter, Section 21, T137N, R44W, Tansem Township, with the following conditions at minimum:

- 1. Permit shall terminate on June 20, 2020 (same date as lease expires for gravel mining).**
- 2. Operate within provisions of the Clay County Land Development Ordinance.**
- 3. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.**
- 4. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be in compliance with any and all local/state/federal regulating agencies prior to commencing mining operations.**
- 5. Operations must comply with all provisions of Wetlands Conservation Act.**
- 6. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.**
- 7. Require operator to present a detailed operations plan for asphalt plant operations to Planning Office indicating equipment locations and locations of hazardous material storage and safety measures to be taken to prevent spillage prior to commencing any operations at the site.**

TURNER SAND AND GRAVEL CO. - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit to allow the extension of an existing mining operation onto a new parcel. The property affected is the N Half, SE Quarter, Section 36, T137N, R45W (Humboldt Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

On motion by Bill Davis, seconded by Randy Schellack, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnussen, Planning Director, presented slides of the existing pit and surrounding property. The application is for the expansion of the eastern 20-acres. The indicated haul route would be south to Highway 127, west to Highway 31 and then to Wilkin County Highway 19. The applicant has been in operation for quite some time.

Operations at this site are requested to run from April 1 through November 30, from 7:00 a.m. to 7:00 p.m., Monday through Saturday. The applicant has requested no restrictions be placed on hours or days of operation. The permit would expire on December 31, 2022.

Not a lot of material to be removed and no additional work to the road would be required. Magnusson would like the Soil & Water Conservation District to complete a wetland review of the site. The reclamation bond is \$2,500 per acre and the land would be reclaimed back to its original use.

Roger Olson, the land owner, and LeRoy Turner of Turner Sand & Gravel were present for questions.

The chair asked if anyone else wanted to speak for or against the proposal.

On motion by Bill Davis, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.

The Commission agreed that the staff recommendations were adequate and the location was ideal for this proposed operation.

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit. All the items can be addressed with conditions and none of them warranted further discussion.

On motion by Bill Davis, and seconded by Mark Klevgaard, and unanimously carried, the Planning Commission approved Turner Sand and Gravel Co.'s application for an Interim Use Permit to allow the extension of an existing mining operation onto a new parcel located in the N Half, SE Quarter, Section 36, T137N, R45W (Humboldt Township), with the following conditions at minimum:

- 1. Applicant shall operate within provisions of the Clay County Land Development Ordinance.**
- 2. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.**
- 3. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall follow any and all local/state/federal regulations prior to commencing mining operations.**
- 4. Operator shall contact Clay SWCD and have wetland evaluation. Operations must comply with all provisions of WCA.**
- 5. A maximum of 20 acres be approved for mining.**
- 6. Require applicant to post a reclamation bond of \$2,500 per acre.**
- 7. Require applicant to reclaim mined out areas as mining activities progress. Require areas to be seeded.**
- 8. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Environmental Services Division.**
- 9. Require operator to present a detailed mine plan to Planning Office indicating exact**

area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site.

10. Mining operations: April 1 thru November 30, 7:00 A.M. to 7:00 P.M., Monday through Saturday. If the operator needs to operate 24/7 or beyond stated days/hours they shall first notify the Planning Office with the reason and the length of time requested so the extended hours can be approved and affected property owners notified.

11. Permits shall expire December 31, 2022.

TIMOTHY LANGEORG. - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit to allow the establishment of an event center venue on his property. The property affected is an 11-acre parcel located in the SW Quarter, SW Quarter, Section 30, T141N, R47W (Morken Twp.) in the Agricultural General (AG) zoning district.

On motion by Tom Jensen, seconded by Randy Schellack, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnusson, Planning Director, provided a letter from Morken Township to the applicant. Morken Township has put an interim ordinance in place which is a moratorium that can extend up to a 12-month period while they are reviewing and changing their ordinance relating to requests of this nature. There are two options. The applicant could have withdrawn his application until the Township issue was taken care of, or he can go through the County process. Magnusson stated you cannot condition one permit on the other permit. The applicant chose to go through the County process and deal with the Township at a later date. Permit applications would have to be submitted (and approved) by both the Township and the County.

Event centers have been permitted as Conditional Home Occupation Permits. Magnusson presented slides of the site in relation to County Road 26, and the Buffalo River. There are no floodplain issues. He indicated the proposed site of 11 acres, the site layout and parking plan. The applicant plans to construct three entrances but will need to talk to the Highway Department. They plan to move the old Oxbow Clubhouse to the east side for the event center.

The event center would be open April through November. Hours of operation would be Friday through Sunday from 9:00 a.m. to 12:00 a.m. Parking must provide a minimum of 150 parking stalls. Amplified music would be indoor only and would end by midnight. Alcohol sales must be provided by a licensed bar or vendor. Food services must meet the Environmental Services standards for the Minnesota Department of Health. The applicant stated he can provide security at events.

The applicant, Tim Langeberg was present for questions. Kari Uzzle, daughter of the applicant, was also present and addressed the Board. Uzzle stated that weddings would be the primary events. They would be willing to provide dust control and other requested requirements. The plans are to set up a prep kitchen for the catering services. She confirmed that the barn has sprinklers. Asbestos is present, but that would be abated before moving the building off-site. Capacity would be between 300-350, requiring more parking.

The chair asked if anyone else wanted to speak for or against the proposal.

Sara Lilljestrand lives nearby the proposed site. She voiced her concerns about many issues, including environmental, drinking, noise, and partying and noted it would “disrupt her life.” She stated at present, the site is in disrepair. There are many abandoned vehicles. She is concerned how it will impact the land and runoff. The road, 100th Avenue, is in bad shape. She feels many improvements need to be done to the site and road.

Ryan Rosenfeldt approached and handed out photos of the property. His concern is the traffic going past his home. The road will be impacted. He explained the appearance of the property wherein the grass was overgrown, many vehicles are abandoned, plastic over the windows of the home, etc.

Verna Kragness owns property nearby. She wants to ensure the land for agriculture and farming. An event center does not fit in the community. Kragness does not see this in the “original vision.” She believes the water in the ditch is fed by a spring and protecting that water is a concern. She strongly objects to all aspects of this proposal.

Rick Hall is concerned about an event center being in the middle of an agricultural and residential area. He shared the family history on the land and pointed out the residences on the property. He said the Clay County Historical Society may be interested in the area. An event center unrelated to the history of the area does not make any sense. He feels it dishonors the caregivers that have taken care of the land in the past.

Dalen Rasmussen stated the applicants are good people and fine neighbors but the thought of 300+ people passing by their home on a weekend is not appealing. He is opposed to it and asked the Board to consider that when making a decision.

On motion by Randy Schellack, seconded by Tim Brendemuhl, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact for Interim Use Permits were discussed and the Planning Commission found the following item to be applicable with this proposal:

- 1. Effect of Use: In granting a conditional use, the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands, existing and anticipated land uses, traffic conditions including parking facilities on adjacent streets and land, and the effect on agricultural usage and values of property and scenic views in the surrounding areas, and the effect of the proposed use on existing comprehensive plans.**
- 2. Use and Enjoyment of Other Property: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, and not substantially diminish or impair property values within the immediate vicinity.**

4. **Utilities, Access Roads, Drainage, Off-Street Parking and Loading Spaces:** Adequate measures have been or will be taken to provide utilities, access roads, drainage and off-street parking and loading spaces.
5. **Nuisance Conditions:** Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, water pollution and soil erosion, so that none of these will constitute a nuisance, and to control lighted signs or other lights in such manner that no disturbance to neighboring properties will result.
6. **Burden on Public Services:** The use will not create an excessive burden on parks, schools, streets, water supply, sanitary sewers and storm sewers and other public facilities or utilities which serve or are proposed to serve the area.
8. **Appearance of Structure and Site:** The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
11. **Conflict with Comprehensive Plans:** The use is not in conflict with the comprehensive plan, if any, of the township or city or County.
12. **Traffic Hazards, Congestion in Flood Plain Areas:** The use will not cause traffic hazards or congestion and in flood plain areas has access during flooding for ordinary and emergency vehicles.

The items were discussed and the Planning Commission found that they can be addressed with conditions.

Discussion arose on the condition of the house. Someone is temporarily living in it but it would be removed and another home moved in. The scope of the events for this type of facility are spelled out in the Ordinance. Road conditions were also assessed.

Jenny Samarzja explained the process of tabling hearings.

On motion by Curt Stubstad, and seconded by Joel Paulsen, and unanimously carried, the Planning Commission tabled the discussion of Timothy Langeberg's application for an Interim Use Permit to allow the establishment of an event center venue on his property until the July 18, 2017 Planning Commission meeting, insofar as providing the Commission ample time to inspect the condition of the proposed site.

SCOT AND KRIS MANTHE - REQUEST FOR CONDITIONAL USE

The applicants are seeking approval of a Conditional Use Permit to allow the establishment of a 14-unit commercial storage facility on their property. The property affected is Lot 24, Block 1, Auditor's Subdivision, located in the NW Quarter, Section 7, T139N, R44W (Eglon Twp.) in the Agricultural General (AG) zoning district.

On motion by Randy Schellack, seconded by Joel Paulsen, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnusson, Planning Director presented photos of the proposed property and surrounding residences. The overall parcel is approximately 73.35 acres in size. This proposed use would be

in the far Northeast corner of the property adjacent to an occupied, residential lot. Over 1,100 feet of new roadway is proposed to be constructed to service this storage building. Magnusson indicated the access location, frontage road and property lines. This type of use is allowed in the Agricultural General zoning district. Days and hours of operation need to be addressed and also the potential need for a fence.

The applicant Scot Manthe was present for questions. He stated that his son, Bryce is signed up for a building trades class in Hawley and they do not have a project. Manthe thought this would be a good class project. He explained the grade of the land, the topography, where he farms the land and his thoughts on the access road. Manthe had met with his neighbors beforehand. He explained how he would place the building, as to provide a buffer and how he plans to restrict activity for the neighbors. He prefers the road to go straight through and adjoin the frontage road, but is willing to work with the neighbors. He does not want to place a fence because of the large machinery he uses on his property.

The chair asked if anyone else wanted to speak for or against the proposal.

Bryce Manthe is the son of the applicant. He shared his desire to gain some experience while working on this project, and how rental proceeds from the units could benefit his future college fund.

Roy Samuelson lives next to the proposed site. He is very much opposed to the access road being connected to the road in front of his home. He does not feel the frontage road could take more traffic and thinks safety is also an issue. Backing out of his driveway would become difficult with the increased traffic. He stated the road would create more dust and his windows could not be open. Samuelson's neighbor, who could not be in attendance, is also opposed to this proposal. He requested that the road would not be connecting.

Beth Samuelson is opposed to the proposal as the buildings would take away the entire view of the valley from her property. She concurs with Roy Samuelson.

The Commission discussed the dust issue, the access and connecting roads as well as the condition of the roads. With only 14 units, there should not be much traffic increase. The Commission asked the applicant for clarification on the location of the units, signage and traffic.

On motion by Tom Jensen, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit. All the items can be addressed with conditions and none of them warranted further discussion.

- 2. Use and Enjoyment of Other Property: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, and not substantially diminish or impair property values within the immediate vicinity.**
- 6. Burden on Public Services: The use will not create an excessive burden on parks,**

schools, streets, water supply, sanitary sewers and storm sewers and other public facilities or utilities which serve or are proposed to serve the area.

8. Appearance of Structure and Site: The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

12. Traffic Hazards, Congestion in Flood Plain Areas: The use will not cause traffic hazards or congestion and in flood plain areas has access during flooding for ordinary and emergency vehicles.

The items were discussed and the Planning Commission found that they can be addressed with conditions.

On motion by Bill Davis, and seconded by Randy Schellack, and unanimously carried, the Planning Commission approved Scot and Kris Manthe's application for a Conditional Use Permit to allow the establishment of a 14-unit commercial storage facility on their property located on Lot 24, Block 1, Auditor's Subdivision, and in the NW Quarter, Section 7, T139N, R44W, Eglon Township, with the following conditions at minimum:

- 1) Applicant shall obtain all applicable local/State/Federal permits/reviews (ie. Septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies of them to the Planning Office;**
- 2) Facility signage shall meet HC or LHC sign standards (maximum of 128 sq. ft. per sign face (max of 2 faces), or 5% of the wall area on which sign is located) and any other applicable County sign standards;**
- 3) Facility shall meet all applicable setback requirements as per the County Development Code;**
- 4) No outdoor storage shall be allowed;**
- 5) Days and hours of operation shall be year-round, open 24 hours, seven days a week;**
- 6) Access off 240th St S shall obtain a permit from the Buffalo/Red River Watershed District;**
- 7) Construction of a new access non-adjacent private roadway.**

Adjourn:

On motion by Curt Stubstad, and seconded by Randy Schellack, the meeting adjourned at 9:00 p.m.

Thomas Jensen, Planning Commission Secretary